

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
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FISCAL IMPACT STATEMENT

LS 7822

BILL NUMBER: HB 1783

DATE PREPARED: Jan 14, 1999

BILL AMENDED:

SUBJECT: Domestic violence in the presence of child.

FISCAL ANALYST: Mark Bucherl

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FUNDS AFFECTED: ☒ **GENERAL**
☒ **DEDICATED**
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill raises the penalty for battery from a Class A misdemeanor to a Class D felony if the offense is witnessed or heard by: (1) a minor child or stepchild; or (2) a minor child residing within the household of the victim or of the person who commits the offense. It also allows a court to consider it an aggravating circumstance for sentencing purposes that a person committed a violent offense that was witnessed or heard by a: (1) minor child or stepchild; or (2) minor child residing in the household of the victim or of the person who commits the offense.

Effective Date: July 1, 1999.

Explanation of State Expenditures: This bill enhances the penalty for battery from a Class A misdemeanor to a Class D felony for the conditions specified. State expenditures could increase if an offender is incarcerated in a state prison rather than in a local jail. A Class D felony is punishable by a prison term ranging between 6 months to 3 years or reduction to Class A misdemeanor. The period of incarceration will depend upon mitigating and aggravating circumstances. This bill also makes battery before a child an aggravating circumstance which may lengthen sentences for other felony convictions.

The average expenditure to house an adult offender was \$20,500 in FY 97. Individual facility expenditures range from \$11,000 to \$27,000. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost per offender for medical care, food, and clothing is approximately \$1,825 annually or \$5 daily. The average length of stay in DOC facilities for all Class D felony offenders is approximately seven months.

Explanation of State Revenues: More revenue to the Common School Fund could be collected if a larger criminal fine is assessed by the sentencing court. The maximum fine for a Class A misdemeanor is \$5,000 while the maximum fine for a Class D felony is \$10,000. Court fees for both misdemeanors and felonies are \$120.

Explanation of Local Expenditures: If an offender is sentenced to state prison rather than to a county jail, the costs to the county may be reduced. The maximum term of imprisonment for a Class A misdemeanor is up to one year. The average daily cost to incarcerate a prisoner in a county jail is roughly \$44.

Explanation of Local Revenues: Court fees for both misdemeanors and felonies are \$120.

State Agencies Affected: Department of Correction.

Local Agencies Affected: Trial courts; local law enforcement agencies.

Information Sources: Indiana Sheriffs Association.